THE U.S. TRAVEL ACT

Mr. FULBRIGHT. Mr. President, on June 29, 1959, I submitted a bill, S. 2287, to promote the foreign policy of the United States, to provide for the protection of U.S. citizens abroad, to provide standards for the issuance of pasports by the Department of State, and for other purposes. This bill was referred to the Commitee on Foreign Relations, which will hold hearings on it and on other pasport bills beginning July 13, 1959.

In order to facilitate understanding of S. 2287, I ask unanimous consent to have printed at this point in the RECORD a section-by-section analysis of its provisions.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 2287

This bill represents a comprehensive revision of U.S. passport laws. The enacting clause states that the bill shall be known as the U.S. Travel Act.

TITLE I—TRAVEL AND PASSPORT POLICY

Section 101 contains reaffirmation by the Congress that freedom of movement is a fundamental American freedom and embraces the right to travel abroad as well as the right to travel within the United States. It goes on to state that it is the policy of the Congress that travel abroad should be as free of governmental restraint as possible, subject only to the minimal restrictions sanctioned in the bill and demanded by national security. In order to emphasize that all restrictions on travel are undesirable, even though some may be presently unavoidable, this section also states it to be congressional policy that the President seek, with other nations, to eliminate all barriers to international travel.

Section 102 makes clear that this bill is the exclusive and comprehensive source of all authority for the executive branch to regulate travel abroad by Americans. It states that no restraint, however temporary, may be placed on such travel unless it is specifically authorized by the bill. Moreover, every citizen is entitled to receive and use a passport except as otherwise specified in the bill. This should put an end to existing confusion concerning the scope of the Department of State's powers in this field and should eliminate the possibility of any future unauthorized actions by the Department.

Section 103 defines certain basic terms appearing in the bill. The term "citizen" is defined to include not only U.S. citizens but all those who owe permanent allegiance to the United States. This preserves the definition found in existing passport law, 22 U.S.C. 212, and is favored by the executive branch. The section also defines the terms "passport," "travel abroad," "Department (of State)," and "United States," the last including, in addition to the States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and water subject to U.S. jurisdiction.

TITLE II—ISSUANCE OF PASSPORTS; TRAVEL RESTRAINTS ON INDIVIDUALS

Section 201(a) provides that only the Secretary of State and any Government officer authorized by him may issue, renew, deny, or revoke passports, and it gives the Secretary power to prescribe passport regulations consistent with the bill. The subsection is taken verbatim from the bill sponsored by the executive branch in the 85th congress (S. 4110). It is a more flexible restatement of existing law, 22 U.S.C. 211(a).

Sections 201(b), (c), and (d) deal with matters pertaining to passport fees and are virtually identical with the corresponding provisions of last year's administration bill. Subsection (b) provides for the collection of a fee of $2 for executing each passport application and a fee of $9 for each passport issued. It authorizes the Secretary of State, if he desires, to permit State government officials to retain the $2 fee. These provisions would leave existing law 22 U.S.C. 214, unchanged.

Subsection (b) also exempts from payment of all passport fees Federal employees assigned to overseas duties, their immediate families if accompanying such employees on their overseas assignments, seamen, international airmen, and the immediate families of servicemen buried abroad if those families are traveling for the purpose of visiting the graves of the servicemen. This would leave existing law unchanged except for the addition of international airmen to the exempted category.

Subsection (c) authorizes the refund of a passport fee erroneously paid by a party exempted under subsection (b). The only change which it makes in existing law, 22 U.S.C. 214a, is that it authorizes the refund to be made by the Treasury Department upon notice from the State Department instead of a direct refund by the State Department. And subsection (d) permits refund of the $9 issue fee if a passport is returned unused within 6 months because of the inability of the holder to obtain a necessary visa for travel abroad. This is simply a restatement of 22 U.S.C. 216, with the Treasury Department again making the actual refund instead of the State Department.

Section 201(e) gives the State Department discretionary authority, upon request by the head of a family, to issue a family passport, but makes clear that no group passport shall be required. This is designed merely to provide explicit statutory authority for existing Department regulations.

Subsection (f) would amend existing law, 22 U.S.C. 217a, by making passports valid for a period of 3 years after issuance, instead of the present 2-year period. This subsection would continue to permit renewal of passports, upon payment of a $5 fee, for a period of up to 2 years. But it provides that the passport's final expiration date shall be 5, and not the present 4, years from the date of its issuance. A similar provision was included in last year's administration bill and is the sole proposal embodied in S. 1973, the bill that has been introduced by Senator JAVITS in this session.

Section 202 of my bill states that, prior to issuance of a passport, the applicant must submit to the Department, under oath, a completed passport application. The necessary oath may be administered by any person authorized to take passport applications. These provisions are similar to those contained in last year's administration bill and are an elaboration of 22 U.S.C. 213.

Section 202 permits the Department in its application form to ask questions that are relevant to the substantive grounds for restraint of travel and denial of passports which are specified in section 203. One of those grounds, stated in section 203(b), is the substantial likelihood that the applicant, when abroad would endanger our national security (1) by transmitting, without authority, highly classified Government secrets; or (2) by inciting or conspiring to create international hostilities that might involve the United States; or (3) by inciting or conspiring to bring about attacks by force on the United States or attempts to overthrow its Government by force or violence. In view of the well-known congressional, executive and judicial findings regarding the aims and methods of the Communist Party and of the international Communist apparatus, it would certainly be relevant to the national security criteria set forth in section 203 for the Department, under section 202, to inquire whether the applicant is, or within the past few years has been, a member of the Communist Party.

Section 202 would thus provide the Department with authority which Supreme Court found to be lacking in its 1958 decision in *Kent* v. *Dulles*. But it would not permit the Department to inquire into party affiliations in the 1930's and 1940's, since in those days the nature of the Communist threat was unknown to many loyal, law-abiding Americans and since under the bill a passport may be denied only if its issuance would create the likelihood of imminent danger to national security. Nor would section 202 sanction inquiry into the activities of applicants relating to so-called left-wing or front organizations unless it can be shown that such an organization is engaged in activities related to the criteria of section 203(b), i.e., (1) unauthorized disclosure of Government secrets, or (2) attempts to involve our country in hostilities or (3) incitement or conspiracy to bring about the violent overthrow of our Government from without or within. My bill focuses on conduct that presents a clear and present danger to the security of the United States and in no way attempts to curb expression of unpopular beliefs or association with unpopular groups.

Because of this constitutional necessity to focus on action threatening the national security rather than on associations and beliefs, I want to stress that the fact that section 202 permits inquiry into current Communist membership does not mean that a passport could be denied under section 203(b) solely because of such membership. As I have already indicated in listing the three grounds relating to national security in section 203(b), travel could not be restrained unless from all the evidence, including evidence of Communist Party participation, it is reasonably to be anticipated that the applicant, when abroad, would endanger the safety of the United States through one or more of those three kinds of conduct. It is extremely significant to me that the distinguished Special Committee To Study Passport Procedures of the Association of the Bar of the City of New York recommended adoption of the criteria set forth in section 203(b).

In addition to national security cases, section 203 would permit travel to be restrained on an individual basis, and passports to be denied, in two other classes of cases:

Section 203(a) authorizes the Department to take adverse action with respect to applicants who are charged with criminal felony violations or violations of the travel provisions of this bill or who have been convicted of some criminal offense and are free on bail pending appeal from their conviction. It also permits the Department to restrain the travel of any person who has been convicted within 5 years of violating section 402's area travel limitations unless a bond of $5,000 is posted conditioned on compliance with section 402 during the period for which a passport may be issued. There is no explicit statutory authority for taking any of these actions at present. Last year's administration bill contained the same provisions as those of this subsection. And S. 810 of this Congress, sponsored by Senator HUMPHREY and others, would sanction denial of passports to those who are charged with or under sentence for a felony. The purpose of this subsection, of course, is to make certain that the State Department does not facilitate evasion of the criminal law. It would also provide substantial assurance that one who had recently been convicted of violating geographic travel limitations would not repeat the offense if permitted to go abroad.

Section 203(c) would permit the Department to refuse a passport to citizens who still owe the United States money for trans-

portation back to this country previously furnished by the Government. There is no present statutory basis for denying a passport on this ground.

Section 204 authorizes the Secretary of State to direct the issuance of a passport notwithstanding the provisions of section 202 and 203, provided that the Secretary deems such action advisable in the national interest. The Secretary may limit such passports with respect to duration and the areas for which they are valid. This section is designed to give the State Department flexibility for meeting the variety of situations, many of which are unforeseeable, that arise in the administration of our passport laws. It is a verbatim extract from last year's administration bill.

The first sentence of section 205 requires the State Department to grant a passport, or to inform each applicant in writing of its refusal to do so, within 30 days after its receipt of a completed application. A similar provision was sponsored by the executive branch last session allowing the Department 90 days to communicate its decision. There is presently no such requirement on the books. This provision of section 205 would thus assure passport applicants of a prompt determination at the initial level of administration and would avoid the possibility of extended delay, which has in some cases amounted to effective denial of the right to travel.

The second sentence of section 205 permits revocation of an existing passport only when its holder would not be entitled to a passport under the standards of the bill were he again to apply for one. Existing law does not deal with revocation, and this provision, which is identical to that previously sponsored by the administration, would fill the gap.

Section 205 goes on to state that whenever a passport is denied, revoked, or limited in any other manner on an individual basis, the citizen involved shall be informed in writing of the specific reasons for the adverse action and shall be given a detailed statement of the information upon which those reasons were deemed applicable. Moreover, the citizen is entitled to identification by the Department of the sources of such adverse information. Without knowledge of all these matters it is virtually impossible for any citizen to have a realistic opportunity to rebut the allegations against him in an administrative or judicial hearing. Therefore, to permit the citizen to make an intelligent decision whether or not to seek administrative and judicial relief, the third sentence of section 205 requires that he be given full information concerning the basis for the Department's action. That sentence also requires the Department to give the citizen detailed information of his rights to administrative and judicial review so that those rights will not be lost because of ignorance. There is at present no statutory coverage of the matters regulated by this third sentence of section 205.

Section 206 provides that, subject to such general exceptions as the President may prescribe, it shall be a crime for any citizen to travel abroad without a valid passport. This provision is a substantially modified version of the present section 215(b) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1185(b). One important difference between the two versions is that section 215(b) is applicable only during wartime or the existence of a proclaimed national emergency while section 206 would be of indefinite duration. The reason for this proposed change is that the susbtantive grounds for restraining travel on an individual basis under section 203 of my bill are not related solely to periods of national emergency but are also applicable to periods of so-called "normalcy." The reasons for not permitting overseas travel by those who are charged with serious crimes, or who have failed to reimburse the Government for prior repatriation, or who are likely to endanger our national security in any of the ways set forth in section 203, apply in peacetime as well as in emergencies.

A second proposed change of significance is that section 206 of my bill makes it unlawful to travel abroad without a valid passport, while existing section 215(b) makes it unlawful to enter or leave the United States without such a passport. The suggested alteration in phraseology would eliminate certain loopholes. For example, if an American citizen residing in Mexico were to travel to Europe without a passport, he would not, by such an act, have entered or left the United States without a passport and thus would not appear to have violated existing law. On the other hand, since he plainly traveled abroad without a passport, he would be in violation of proposed section 206. Section 206 would thus eliminate an unwarranted discrimination against citizens residing within the United States and would make the travel prohibition applicable to the same extent for all citizens.

The second sentence of section 206 specifically renders the prohibition of travel without a passport inapplicable to travel anywhere in the entire Western Hemisphere. It thereby gives permanent statutory status to existing Presidential regulations and makes clear that any citizen may travel in Western Hemisphere countries, whether or not he has, or is eligible to receive, a passport.

The third and final sentence of section 206 directs the President, in accordance with the policy set forth in section 101 of the bill, to use to the extent possible his power to make general exceptions to the prohibition of travel without a passport, so that citizens may soon travel without passports to countries or areas outside the Western Hemisphere.

TITLE III—PROCEDURE FOR REVIEW OF PASSPORT DENIAL, REVOCATION, OR RESTRICTION

Existing law makes no provision whatever for administrative and judicial review of the denial, revocation, or other restriction of passports on an individual basis. In the absence of legislative guidance the Department of State has devised administrative procedures which have been seriously challenged in the courts as violative of due process of law. It is the purpose of Title III of this bill to fill the need for statutory procedures which will meet constitutional standards and will put an end to existing confusion.

Section 301(a) establishes within the Department a Passport Hearing Board consisting of three officers of the Department designated by the Secretary of State. With certain exceptions, it gives this Board jurisdiction to hold a hearing and to decide all cases wherein a written request for a hearing is received by the Department within 60 days after the individual involved actually receives notice of the tentative denial, revocation or restriction of his passport. Those Department actions which are excepted from review by the Board concern cases of noncitizenship and of general geographical limitations upon travel authorized by title IV of the bill. Section 301(a) requires the Board to hold a hearing within 30 days after it is requested unless the individual involved requests an extension of this time limit. And, to provide further assurance of expeditious handling of the case, this subsection states that, once begun, the hearing shall be completed without unnecessary delay.

Section 301(b) requires that at least one of the officers of the Passport Hearing Board be a member of the Office of the Legal Adviser of the State Department. This is desirable because difficult substantive and procedural legal problems may often arise in passport cases, and the Department should become aware of their existence as early as possible in each case. This subsection also states that none of the Board members shall have participated in any manner in the tentative adverse action concerning the passport in question.

Section 301(c) directs the Secretary of State to appoint a Counsel to present to the Board at the hearing the reasons for, and the evidence supporting, the tentative adverse determination concerning the passport in question. This Counsel is intended to facilitate the progress of the hearing through an orderly presentation of the Department's case. The subsection makes it very clear that the Counsel is to serve exclusively as an advocate and must therefore have no communication with the Board concerning any case unless the individual involved is present and the communication is made a part of the record of the proceeding. It is vital to the integrity of what is in effect a trial-type hearing that there be no secret relations between one of the litigants and the decision-makers.

Section 302 of the bill requires the Secretary of State to publish rules which guarantee to every individual the following rights:

(1) To appear in person and be represented by counsel of his own choosing;

(2) To testify in his own behalf, present other witnesses and offer documentary and any other kind of evidence;

(3) To examine all documentary and other evidence introduced against him, including evidence previously considered to be confidential, so that he may know what it is that he must rebut in order to obtain the right to travel; and to cross-examine those persons, including previously confidential informants, who are the sources of documentary and other evidence against him, so that he may have the opportunity to demonstrate the inaccuracy, falsity or misleading nature of their evidence;

(4) To have a hearing conducted in private so as to be spared the serious adverse effects of publicity, unless he freely waives this protection in writing; and

(5) Within 10 days of completion of the hearing, to examine, and obtain upon request at the expense of the Government, a copy of the transcript of the entire proceeding, including all documentary evidence and testimony presented to the Board and the identity of the sources thereof.

Section 302 would thus guarantee every citizen a hearing in accordance with due process of law prior to any final administrative determination that may curb his right to travel. By explicitly providing that he be permitted to confront and cross-examine his accusers, this section enables the passport program to avoid the statutory and constitutional problems which were raised in the recent Greene case in the Supreme Court and which resulted in invalidation of the present industrial security program.

Section 303(a) of my bill requires the Passport Hearing Board to decide within 10 days of completion of the hearing whether or not to recommend that the tentative denial, revocation, or other restriction of a passport be sustained.

Section 303(b) provides that the Board shall not recommend that the tentative adverse decision be sustained by the Secretary of State unless it finds that the decision is warranted on one of the substantive grounds set forth in section 203 of the bill.

Section 303(c) provides that if the Board does not recommend that the tentative adverse determination be sustained the relief sought by the individual shall be granted forthwith.

Section 303(d) states that if the Board recommends that the Secretary sustain the tentative adverse decision, it must make detailed and specific written findings of fact and conclusions, which shall be transmitted to the Secretary with the entire record in the case. A copy of the Board's recommendation and its findings and conclusions

must be promptly furnished to the individual involved, who is given 20 days within which to submit written objections to the Board's recommendation. This subsection requires the Secretary personally to make the final administrative determination within 15 days following receipt of any such objections. The Secretary's determination is required to be based upon the entire record in the case. The Secretary may send the case back to the Board for further proceedings if he thinks such a course appropriate. He may decide in favor of the individual, in which case relief must be granted immediately. Or he may sustain the adverse action recommended by the Board. If he chooses this last alternative, section 303(d) requires him to make detailed and specific written findings and conclusions, a copy of which shall be furnished to the individual for purposes of any judicial review he may seek.

Section 304 expressly grants the U.S. District Court for the District of Columbia and the U.S. district court for the judicial district in which the individual has his principal place of residence concurrent jurisdiction to determine whether there has been compliance with the procedural and substantive provisions of the bill and of any regulations issued under its authority. This section further provides that the district court shall not sustain the imposition of any travel restraint under section 203 of the bill unless the findings of the Secretary of State are supported by substantial evidence contained in the record when viewed as a whole.

TITLE IV—GEOGRAPHICAL LIMITATIONS OF GENERAL VALIDITY

Section 401(a) of the bill grants the President the power, after an appropriate declaration pursuant to section 401(b), to restrain the travel of all citizens and to limit the validity of all passports with respect to travel to the following places:

(1) Countries with which the United States is at war;

(2) Countries or areas where armed hostilities are in progress;

(3) Countries or areas to which the President finds that travel must be restricted in the national interest either because our Government is unable to provide adequate protection to citizens traveling there or because such travel would seriously impair our foreign relations.

This subsection would thus provide express statutory authority for the power to prohibit all citizens from traveling in particular countries, power which the State Department has frequently claimed and exercised in recent years. It is not clear at present whether the Department actually has such power under existing law. Last years' administration bill contained a provision similar to section 401(a).

Section 401(b) provides that in the event the President determines that it is necessary to ban travel to a particular area under subsection (a), he must declare and publish this determination, stating specifically and in detail the reasons supporting his action. The public is entitled to a careful explanation before so grave an infringement of its freedom to travel is sanctioned. In addition to the notice contained in the President's declaration, the subsection requires that each passport thereafter issued, renewed, or amended shall be be stamped with notice of the existing travel restriction.

Section 401(b) would permit the Presidential travel ban to last for 1 year, and not for an indefinite period as at present, unless it is extended by law. It seems appropriate that the Congress, as the coordinate political branch of our National Government, should share the responsibility for making the far-reaching political decision that is involved in any extended prohibition of all travel by Americans to a particular area.

Section 401(c) permits the President, without stating any reasons, to make exceptions to any general geographical restraints either for individuals or for categories of persons. It is expected that such categories would include newsmen, legislators, doctors, missionaries, and others, provided only that such exceptions are in the national interest. This subsection is designed to encourage the President to allow freedom of travel to the fullest extent possible.

Section 402 makes it unlawful for any citizen not excepted under section 401(c) voluntarily to travel to any country or area as to which there is in effect, to his knowledge, a declaration made and published by the President under section 401(b). There is at present no statutory authority to punish travel abroad by passport holders in violation of general geographic restrictions, and this presents a glaring gap in enforcement of our security policies. Existing law simply makes punishable the use of a passport in violation of travel restrictions. If, as has occurred, such restrictions are violated without use of a passport, it is doubtful that a criminal offense has been committed. Section 402 eliminates this loophole in the law. The administration bill of last year contained a similar provision.

TITLE V—PENALTIES

Section 501 provides that anyone who willfully violates section 206 (travel abroad without a valid passport) or section 402 (travel to prohibited countries) shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for a period not exceeding 1 year or by a fine not exceeding $1,000, or both. An identical penalty was included in the administration bill of last session.

TITLE VI—LAWS REPEALED, MADE INAPPLICABLE, OR AMENDED

Because this bill represents a comprehensive revision of our passport laws, it is necessary to repeal a number of statutes that would become obsolete upon its enactment. Section 601(a) therefore provides for repeal of the following acts or parts of acts and all amendments thereto:

(1) Section 4076 of the Revised Statutes, 22 U.S.C. 212, relating to persons entitled to a passport.

(2) Section 4077 of the Revised Statutes, 22 U.S.C. 218, relating to returns on passports issued and other information.

(3) Section 1 of title IX of the act of June 15, 1917, 22 U.S.C. 213, relating to passport applications.

(4) Sections 1, 2, and 4 of the act of June 4, 1920, 22 U.S.C. 214, 215, 216, relating to passport fees, visa fees for aliens, and refund of passport fees upon inability of our citizens to obtain necessary visas.

(5) Sections 1, 2, and 3 of the act of July 3, 1926, 22 U.S.C. 211a, 217a, 214a, relating to authority to issue passports, duration of passports, and refund of passport fees erroneously charged.

(6) Section 6 of the act of September 23, 1950, 50 U.S.C. 785, relating to denial of passports to all members of Communist organizations.

(7) Section 215(b) of the act of June 27, 1952, chapter 477, title II, chapter 2, 8 U.S.C. 1185, relating to travel control of citizens during war or national emergency.

(8) Section 1545 of the act of June 25, 1948, 18 U.S.C. 1545, relating to violations of any passport or safe conduct issued by the United States to foreign nationals.

Last year's administration bill contained identical provisions to clauses (1) through (5) of section 601(a).

Section 601(b) provides that all other laws, or parts of laws, in conflict or inconsistent with this bill are, to the extent of such conflict or inconsistency, repealed.

Section 601(c) makes section 1001 of the act of June 25, 1948, 18 U.S.C. 1001, the general prohibition against making false statements to the United States, inapplicable to passport matters in order to avoid duplication with 18 U.S.C. 1542 on the same subject.

Section 601(d) revises and strengthens existing section 1542 of the act of June 25, 1948, 18 U.S.C. 1542, by incorporating the broader provisions found in 18 U.S.C. 1001. The purpose of this revision is to make clear that both the false concealment of material facts and the submission of false documents, as well as false affirmative statements, are prohibited, provided that the requisite evil intent is present.

TITLE VII—SEPARABILITY

Section 701 sets forth the customary separability clause.

TITLE VIII—EFFECTIVE DATE

Section 801 provides that the bill will take effect 15 days after its enactment.

THE YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, our proposal for a Youth Conservation Corps, which is awaiting action by the Committee on Labor and Public Welfare this week, continues to draw broader and deeper support throughout the country.

Indicative of a number of individuals who had close contact with the old Civilian Conservation Corps, and who see in the Youth Conservation Corps a chance to resume the fine conservation work of the CCC, is a letter from Mr. Paul Akers, corresponding secretary of the Superior, Wis., Federation of Labor, AFL–CIO.

It is typical of the leadership of the labor movement that Mr. Akers sees in S. 812 an opportunity for the conservation and development of human resources of at least equal importance with the improvement and conservation of our natural resources.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter from Mr. Paul Akers, of Superior, Wis.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPERIOR FEDERATION OF LABOR,
Superior, Wis.

HON. HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Superior (Wis.) Federation of Labor, AFL–CIO, congratulates you on your farsighted proposal for a Youth Conservation Corps, and has gone on record in favor of same.

It is especially fitting that such a program should be considered for the areas of northern Wisconsin and Minnesota, to follow up the conservation measures initiated by the Civilian Conservation Corps.

Of equal, if not greater, importance is the aspect of conservation and development of human resources. Many active unionists, including this writer, spent time in the CCC and consider it probably the most valuable experience they could have gained anywhere.

This body is urging Wisconsin Senators and Representatives to give active support to this worthwhile proposal in the interests of conservation, recreation, and social stability.

Sincerely yours,

PAUL AKERS,
Corresponding Secretary.

THE TIGHT-MONEY, HIGH-INTEREST POLICY

Mr. HUMPHREY. Mr. President, it is of considerable interest to me to note the continuing impact of the tight-money, high-interest policies of the present administration, especially as they make themselves felt at the local level. From time to time, a news item in our Minnesota papers catches my eye, such as the article in the Minneapolis Star recently reporting on the results of a municipal bond issue by the city of St. Louis Park—a large and flourishing suburb of Minneapolis.

The gist of the article is that St. Louis Park received only one bid on its issue of $450,000 in bonds—and even that issue was bid at almost 4½ percent—4.49 percent to be precise, 4.49 percent interest—tax free.

The city council rejected this bid, terming it "the highest interest rate in many years."

To show the inflationary effect of the administration's policies—inflating the taxpayers' cost of local government—the last two previous bond sales of St. Louis Park netted 4.13 percent on November 1, 1958, and 3.42 percent on an issue of June 1, 1958.

Had the city council accepted the 4.49 percent bid this year, the taxpayers of the city of St. Louis Park would have been paying taxes for interest on this bond issue at a rate of 31 percent higher than just 13 months ago, and 9 percent higher than the issue of just 7 months ago.

So we see the upward spiral of inflated interest, which results in better income for the ultimate holders of debts—the great private financial institutions of the country, taken out of the pockets of homeowners, consumers, and taxpayers.

And yet, Mr. President, we are being asked to push the interest rate even higher by raising the limitation of 4½ percent on Treasury bonds.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article from July 1, 1959, edition of the Minneapolis Star, entitled "High Interest Puts Stopper on Bond Issue."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH INTEREST PUTS STOPPER ON BOND ISSUE

The highest interest rate in many years led the St. Louis Park City Council to reject bids Tuesday on $1,350,000 in bonds to cover park and general improvements.

The city received only one bid on the issue—a 4.49-percent average net interest rate bid from the Allison-Williams Co. The firm said it was being particularly cautious at the present time because money is tight and it did not want to overextend itself.

St. Louis Park's last two bond sales brought net interest of 4.13 percent on a $1,545,000 issue November 1, 1958, and 3.42 percent on a $1,750,000 issue June 1, 1958.

The city council authorized the city manager to readvertise for bids. No date was set for opening of the bids.

The total issue includes a $450,000 issue to start the park improvement program approved by St. Louis Park voters in a $985,000 bond issue referendum last November.

PRESIDENT EISENHOWER'S REMARKS CONCERNING STEEL NEGOTIATIONS

Mr. HUMPHREY. Mr. President, the statement of President Eisenhower at his news conference today concerning the collective bargaining negotiations in the steel industry constitutes the grossest kind of intervention in collective bargaining.

While professing a handsoff attitude, the President of the United States today told the Steelworkers Union that it should capitulate completely to the steel industry.

There cannot be the slightest doubt that this is what the President in fact has done, although he has purported to do otherwise. The position of the steel industry in the current negotiations with the Steelworkers Union has been that the collective bargaining agreements between the companies and the union should be extended without change for a year. The President of the United States in his statements today urged the Steelworkers Union to extend these agreements with the companies not for 2 weeks, not for a year, but apparently forever. He thus placed himself squarely on the side of the steel companies and in opposition to the union's claim that increases in wages and other benefits for the period beginning July 1, 1959, are justified by the industry's increased profits and the increased productivity of the workers.

I do not believe that the President intended this result. But intended or not, this is the inevitable conclusion which must be drawn from his remarks. The President simply does not understand that negotiations must have some terminal point. When one party is seeking changes in the existing situation and the other party is resisting changes, any agreement to preserve the status quo, so long as negotiations continue, without providing any terminal facilities whatsoever, constitutes capitulation to the party seeking to preserve the existing situation.

The Steelworkers Union has shown admirable forbearance in this situation. It first offered to extend the contracts if the companies would agree that any settlement eventually reached should be effective as of the time when the old contract would have expired. The companies refused. The union then asked the President to facilitate a resolution of the dispute by appointing a fact-finding board which would not make recommendations, but which would simply resolve any disputed issues as to the facts of the economic stuation. The President again refused. Instead he requested the Steelworkers Union to extend its agreement even without a provision as to retroactivity. The Steelworkers Union accepted the President's suggestions and agreed with the companies upon a 2-week extension in which to make still further attempts to reach a negotiated solution.

It now appears that no progress is being made in those negotiations.

This is indeed regrettable, Mr. President, because it is of utmost importance that steel production be maintained in this country, particularly now at a time of grave international crisis.

The steel companies maintain their rigid insistence that the only possible solution is to extend the agreements for a year without change. So far as I am informed, their position has changed only to the extent that they are now asking for only a 50-week extension, since they have already received 2 weeks of the 52 upon which they insisted from the beginning.

I urge the President, therefore, most respectfully, to undo promptly what I am sure was the unintended damage which he has done by his suggestion today that the Steelworkers Union now agree to give an indefinite number of additional weeks of extension to the companies.

It is not too late for the President to accept the original suggestion of the Steelworkers Union that a factfinding board be appointed. If the President feels that this would constitute intervention, which he wishes to avoid, then I think he owes it to the Union and to the American people to make it clear that his suggestion for a continued extension of the agreement is conditioned upon acceptance by the companies of the principle that any settlement ultimately to be negotiated shall be effective as of July 1, 1959.

On that basis, a continuation of negotiations would have merit. If the President does neither, he will have, regrettably, demonstrated that the worst kind of governmental intervention in labor disputes is the kind of uninformed intervention which his statement today unfortunately constitutes.

I feel; as I am sure every other Member of this body feels, the importance of the equitable settlement of the labor dispute between the steel companies and the Steelworkers' Union. When I say "equitable settlement" I mean following through on the processes of collective bargaining. If there is to be a continuation of the negotiations, which all of us hope, let there be an understanding that the settlement arrived at shall be effective as of July 1, 1959.

This would not prejudice the case on either side. It would merely provide that when the old contract expires and negotiations on a new contract are continued, because of public necessity and the importance of national security and public safety, the settlement agreement shall be effective on the date of expiration of the old agreement.

Finally, the President can perform a very fine public service by establishing the factfinding board which has been suggested previously, not only by the president of the Steelworkers Union, but by public officials and Members of this body in their comments on this dispute.

EXTENSION OF CERTAIN TRAINEESHIP PROVISIONS OF THE HEALTH AMENDMENTS ACT OF 1956

Mr. MANSFIELD. Mr. President, on Monday last the Senate passed Senate bill 731, a bill to extend certain trainee

We should be proud to recognize that this Nation has the finest transportation system in the world; and the only such system in the world privately owned and operated. Observance of a National Transportation Week should also remind Americans that all segments of our transportation system must remain strong if the maximum contribution is to be made toward maintaining a vigorous free enterprise economy in the United States.

This means that the carriers serving the inland areas of our country are to be maintained in full vigor. In addition, the national policy must be such that the American merchant marine will be able to carry the flag of the United States to all corners of the world, in both time of peace and in event of a national emergency.

The observance of a National Transportation Week will go far toward renewing in the minds of the American people the realization that adequate transportation is the lifeline of our existence. Likewise, it should reawaken the continued need for policies that will sustain the system.

B'NAI B'RITH WOMEN CELEBRATES ITS 50TH ANNIVERSARY

(Mr. McCORMACK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, I should like to ask the House to join me in a tribute to B'nai B'rith Women, which observes its 50th anniversary on March 9.

This group—137,000 strong—has long been devoted to educational, humanitarian, patriotic, and philanthropic causes. Although an organization of Jewish women, its benevolence has always been extended without reference to religion, race, or creed.

It is not surprising, then, that B'nai B'rith Women has chosen to cast fanfare aside and commemorate its anniversary in keeping with this tradition of service. No elaborate celebrations will be held, and instead of receiving anniversary gifts on March 9, the members will give one—the gift of blood. In cities throughout the United States and Canada, they will make mass donations through American National and Canadian Red Cross blood banks and other community facilities.

This worthy undertaking, especially as it occurs during Red Cross Month, may well serve as an example to other organizations—men as well as women.

Another outstanding anniversary project will be sponsorship of a youth conference in Washington, D.C., April 12–14, in which representatives of 150 women's organizations have been invited to participate. The conference is being planned in consultation with the White House Conference on Children and Youth and with the cooperation of leading organizations dealing with the problems of youth.

I should like to tell you a little about the remarkable evolution of B'nai B'rith Women during its half century. The organization was born inauspiciously of a handful of women in San Francisco. On March 9, 1909, they founded its first chapter as a ladies' auxiliary of a local B'nai B'rith men's lodge. Its stated objective was to promote sociability in the order of B'nai B'rith.

As time passed, similar women's auxiliaries sprang up in all parts of the country, and as it grew the nature of the organization changed. Most notable was the shift from sociability to philanthropy and community service as its predominant theme.

In the 1930's, the plight of the Jews in Europe, depression at home, and threat of another major war, combined to stimulate an explosive growth in the organization and its activities. In 1940, it officially became a national organization. By 1942 membership reached 50,000.

During the war years, B'nai B'rith Women earned its reputation as a national service organization. Activities were devoted almost exclusively to war and civil defense work, from selling war bonds to driving Red Cross trucks and working in war plants. For these and other undertakings the women were presented with many government and private citations.

The postwar period brought expansion rather than depletion of activities. The creation of the State of Israel opened new opportunities for service, and in 1949, B'nai B'rith Women established a home near Jerusalem for emotionally disturbed children. The organization has continued to maintain this home as one of its major projects.

At home, international tensions, campaigns to conquer disease, veterans' programs, care of helpless and handicapped, vocational guidance, and other youth activities have absorbed members' energies.

As it passes the half-century mark, B'nai B'rith Women has 856 chapters in the United States, Canada, and 15 other countries, with a membership of 137,000. In the last few years, it has raised more than $1 million annually for its widely varied programs, projects, and philanthropies.

When B'nai B'rith Women finally sit down to their golden anniversary banquet April 17, they will well deserve their celebration.

PASSPORT LEGISLATION TO FACILITATE THE CITIZEN'S RIGHT TO TRAVEL

(Mr. CURTIS of Missouri asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, during the past year there has been a considerable amount of discussion relating to the need for adequate passport legislation. In my opinion, the present laws are inadequate to provide for the travel needs of our citizens. In response to this need, I have this day introduced my bill, H.R. 5455, to establish a national policy relating to the United States citizen's travel abroad; to establish a service within the Department of State which shall be responsible for the direction, administration, and execution of passports and travel documentation for American citizens and nationals in the United States and abroad; to prescribe procedures relating to the issuance of passports; to establish terms of validity of passports; to establish fees for passports; and for other purposes.

Following the recent Supreme Court cases—Briehl, Dayton, and Kent—a plethora of legislation has been introduced in both Chambers of the Congress relating particularly to various types of limitation on the individual citizen's right to travel. In view of this, I think it incumbent upon us to give serious consideration to the nature of the individual's right to travel. In my opinion, the right to travel is of equal dignity with our basic freedoms set forth in the first amendment. The constitutional basis for this conclusion is the provision contained in the fifth amendment wherein it is provided that no person shall be deprived of life, liberty, or property without due process of law. Certainly "liberty" means that the individual citizen has the right to do what he wants, go where he wants, say what he wants as long as in so doing he stays within the respected mandate of "the general welfare of the people." It is only when a clash arises between the individual rights of a citizen on one hand and the collective rights of the citizen on the other, that the former must yield to the latter, but only to the extent that the former will, by so doing, more fully realize his rights as a member of the latter. This yardstick that is applied to measure the length and breadth of the individual rights of our citizens finds application in the area of this right to travel. We erect stop signs and street lights and promulgate rules of procedure for conduct in and on our highways. We do this not with the express purpose in mind of encroaching on the individual's freedom to travel but we do so with the purpose of facilitating travel to enable the individual to more fully enjoy and make use of his individual right to travel.

Stop signs and street lights facilitate travel and passports facilitate travel. The real reason we require passports is because foreign countries require passports. These countries want to know just who the person is that seeks entry into their country. The passport, then, is really nothing more than an identification card indicating to the particular country that the bearer is a citizen of the United States. It is also a request from the traveler's country that the foreign country extend to its citizen the protection of its laws during the citizen's travel and sojourn in their country. So the passport, then, is an aid to travel. The issuance of a passport to a citizen permits the citizen to more fully enjoy his right to travel. The Government's refusal to issue a passport to an individual restricts and limits the citizen's right to travel, the effect of which is to deny to the citizen his constitutional and natural right of locomotion. It becomes apparent, then, that the Federal Government's right to limit or deny the full enjoyment of a constitutional and natural right is governed by the aforementioned general welfare of the people yardstick.

IKARD]. As I shall explain, the purpose of these bills is to eliminate an unjust tax discrimination against debit life insurance agents.

Under section 62(2)(D), an outside salesman is permitted to deduct all of his ordinary and necessary business expenses from gross income in computing his adjusted gross income. Then, in computing his net income from adjusted gross income he can and does claim the 10 percent standard deduction where that exceeds the amount of his actual deductible nonbusiness expenses for taxes, interest, contributions, and the like.

Like so-called ordinary life insurance agents, who are correctly considered to be outside salesmen within the meaning of section 62(2)(D), debit life insurance agents are salesmen in every sense of the term. Both types of agents hold the same kind of licenses; both sell the same lines of insurance—except that only debit agents can sell what is known as industrial insurance; both conduct their activities away from their employers' places of business; and both are generally required to defray their business expenses out of their own pockets.

Yet, despite the fact that the functions of both types of agents are basically identical, the Internal Revenue Service has ruled that debit agents are not outside salesmen. As a result there are a number of business expenses which they can deduct only from adjusted gross income rather than from gross income. In order to do this, however, they must forgo the right to claim the 10 percent standard deduction from adjusted gross income. In many cases this means that debit agents are in effect denied the full benefit of their business expense deductions and consequently have higher taxable incomes than ordinary life insurance agents and other salesmen with exactly the same amount of gross income and business expenses.

Actually the only real respect in which the debit agent differs from the ordinary agent is that normally the debit agent personally collects the premiums falling due on one type of insurance that he sells—that is, industrial insurance, which is sold on a weekly or monthly premium basis. It is because of his activities in collecting premiums on this one type of insurance that the Internal Revenue Service has ruled that the debit agent is not an outside salesman within the meaning of section 62(2)(D).

Now, many debit agents devote only a relatively small amount of time to these collection activities and derive the major share of their income from the sale of new insurance. Moreover, anyone familiar with the life insurance business will tell you that even when making his premium collections, a debit agent is actually still "selling" insurance. This is because the policyholders are under no legal obligation to pay their premiums and are completely free to let their insurance lapse if they choose not to pay. Thus, in order to collect a premium on an existing industrial policy, the agent very often has to make as thorough a sales presentation as was made when the policy was originally placed in force.

In summary I believe it to be beyond question that debit life insurance agents are outside salesmen and are entitled to the same tax treatment as all other such salesmen under section 62(2)(D). The bills introduced by the gentleman from Texas [Mr. IKARD] and myself are designed simply to give explicit statutory recognition to this fact. I might add that I am confident that this equitable result can be accomplished with a very insignificant loss of Federal tax revenue.

FLOOD CONTROL AND CONSERVATION

(Mr. BREEDING asked and was given permission to extend his remarks in the body of the RECORD.)

Mr. BREEDING. Mr. Speaker, I would like to call to the attention of this distinguished body a resolution adopted by the Kansas State Legislature urging the continuance of sufficient appropriations necessary to the control of floods and conservation of soil and water in the State of Kansas.

The resolution is as follows:

"HOUSE CONCURRENT RESOLUTION 20

"Concurrent resolution petitioning the Congress of the United States to take appropriate action to assure the continuance of surveys and planning and cooperation in the construction of projects in the State of Kansas that are vital and necessary to the control of floods and the conservation of soil and water by sufficient appropriations being granted for this purpose to the Bureau of Reclamation, the U.S. Department of Agriculture, and the Corps of Engineers, and other Federal agencies and Departments

"Whereas water and soil are the most valuable natural resources in Kansas; and

"Whereas the citizens, industries, farms, and cities of Kansas have always been subject to flood and drouth but more recently they have experienced severe hardships and great financial losses from floods and drouths during the years 1951, 1952, 1953, 1954, 1955, 1956, 1957, and 1958; and

"Whereas many cities, industries, and farms have recently suffered from a critical shortage of water and at the same time are exposed to the further hazards of flood and drouth; and

"Whereas the nature of rivers is such that storms occurring the headwater regions of a stream in one State frequently inflict damage to areas in other States, and the benefits of stream stabilization resulting in adequate and dependable water supplies in one State become beneficial to areas in other States; and

"Whereas it has become evident that we must use every means available and feasible to conserve and control all of the sources of water supply for agricultural, municipal, industrial, and recreational use; and

"Whereas land treatment and watershed development have been increasingly emphasized as vital to all programs for the conservation of water and soil by the executive and legislative branches of State government, the State water resources board, State department of agriculture and other agencies, and the program is lagging because of the insufficiency of Federal funds for planning purposes; and

"Whereas the Federal Government through acts of Congress has delegated to three agencies, namely, the Bureau of Reclamation, the Soil Conservation Service of the U.S. Department of Agriculture, and the Corps of Engineers the principal responsibilities for the conservation of water and soil, and more specifically, such matters as water supply, irrigation, pollution control, soil conservation and flood control: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas (the Senate concurring therein): That we respectfully urge, request and petition the Congress of the United States to take such action necessary to assure (1) continuance of surveys, planning, and cooperation in the construction of projects in the State of Kansas that are vital and necessary to the prevention of floods and to the conservation of water and soil, and (2) that Federal funds for this purpose be appropriated in sufficient amounts to the Soil Conservation Service of the U.S. Department of Agriculture, the Bureau of Reclamation, and the Corps of Engineers, and also other Federal agencies and Departments; and be it further

"*Resolved*, That the secretary of state be instructed to transmit enrolled copies of this resolution to the President of the United States, the Vice President of the United States, each Member of Congress of the United States, and the Director of the Bureau of the Budget of the United States."

I hereby certify that the above concurrent resolution originated in the house, and was adopted by that body.

February 16, 1959.

JESS TAYLOR,
Speaker of the House.
A. E. ANDERSON,
Chief Clerk of the House.

Adopted by the senate February 27, 1959:

JOSEPH W. HENKLE, Sr.,
President of the Senate.
RALPH E. ZARKER,
Secretary of the Senate.

NATIONAL TRANSPORTATION WEEK

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, I have today introduced a resolution which would authorize the President to annually proclaim a National Transportation Week.

National Transportation Week, to be celebrated for the fourth consecutive year, is sponsored by the Associated Traffic Clubs of America, a national organization of over 250 clubs located in cities from coast to coast with total individual memberships of 50,000 men and women engaged in transportation work with major shippers and all modes of carriers.

For 1 week each year it would be appropriate that the American people be reminded that the transportation system of the United States, which is indispensable both to continuing economic development and adequate national defense, is strong and vigorous and always stands ready with its services to meet the needs of the Nation.

Through this annual celebration, in which shippers, railroads, motor carriers, airlines, water carriers, as well as those who labor in transportation, will participate, it is hoped that Americans everywhere will gain a better understanding and appreciation of the vitally important role played by transportation, in our everyday lives, our national economy, and in the national defense.

In my opinion, the promotion of international travel of U.S. citizens and the encouragement of our citizens to know and to understand all peoples throughout the world is in the individual and the public interest and conduces to a more amicable and understanding relationship between all peoples and their respective countries. This, of course, is a policy decision to be made by the Congress. It is certainly consonant with the prior congressional pronouncements relating to our country's international programs.

Travel by citizens abroad should be as free of governmental restraint as possible consistent with requirements of national security. The Government should facilitate such travel and should provide for the protection of citizens abroad by providing passports, by negotiating with other countries to minimize travel formalities, and by other appropriate means to implement this salutary principle.

In section 3 of my bill, H.R. 5455, there are certain findings and declarations made by the Congress. You will note that the Communist Party in the United States is characterized as not being a political party or a political philosophy as such, but it is defined as "an instrumentality of the world Communist conspiracy whose purpose is to overthrow the Government of the United States." It is further characterized as being under the direction, domination, and control of a foreign power whose aims are the overthrow of any legally constituted governments not Communist dominated.

A further finding is made by the Congress that all U.S. citizens who "knowingly and willfully participate in the world Communist conspiracy in effect repudiate their allegiance to the United States and transfer their allegiance to the foreign power in which is vested the direction and control of the world Communist conspiracy and the Communist Parties of the world." A final finding is also made by the Congress that the issuance of passports to U.S. citizens who support the world Communist conspiracy presents a "clear and present danger to the security of the United States."

In view of these findings, the provision is made that during any period when the United States is at war or during the existence of any national emergency proclaimed by the President, a passport shall not be issued to any U.S. citizen if such citizen is a member of the Communist Party or is a member of any organization which is registered or as to which there is, in effect, a final order of the Subversive Activities Control Board requiring registration with the Attorney General of the United States as a Communist action, Communist front, or Communist-infiltrated organization, or has terminated such membership under such circumstances as to warrant the conclusion that such citizen continues to act in furtherance of the interest of the Communist conspiracy. Prohibition is extended to those who knowingly engage in activities which support the world Communist conspiracy under such circumstances as to warrant the conclusion that such citizen continues to act in furtherance of the interest of the world Communist conspiracy. These findings are consistent and in accord with the Internal Security Act of 1950. This act makes it unlawful for any member of the Communist conspiracy to make application for a passport or the renewal of a passport to be issued or renewed by or under the authority of the United States or to use or attempt to use any such passport.

It is the opinion shared by many that before the Congress can lawfully limit a citizen's right to travel because of his affiliation with the Communist movement, it is necessary that the aforementioned findings of fact be made as conditions precedent to any such restrictions. You will note further that these prohibitions will only be effective under the Passport Act of 1959, during a time when the United States is at war or during a period of national emergency proclaimed by the President. It is my opinion that if further restrictions are found to be necessary by the Congress that it is more appropriate that these restrictions be contained in the Internal Security Act of 1950 as is presently provided rather than encumber the Passport Act of 1959 which is designed to facilitate the travel of U.S. citizens abroad.

In my bill, H.R. 5455, the Passport Act of 1959, is proposed the stated policy of the Congress of the United States "that the promotion of international travel of U.S. citizens and the encouragement of its citizens to know and understand all people throughout the world is in the individual and public interest and conduces to a more amicable and understanding relationship between all peoples in their respective countries. This policy dictates that travel by citizens abroad should be as free of governmental restraint as possible, consistent with the requirements of national security. In accordance with this overriding principle, in my opinion, passport facilities should only be denied in the following instances, to wit:

First. Where such travel would:

A. Further the world Communist conspiracy as provided in the bill;

B. Violate the laws of the United States or of any State or Territory thereof;

C. Would aid in the evasion of any order issued by any court of record of the United States or of any State or Territory thereof;

D. Aid in the evasion of any information or indictment for a felony duly found by the United States or any State or Territory thereof;

E. Be prejudicial to the national welfare, safety, or security; or

F. Permit such citizen to use a valid passport while there is outstanding any sum of money owed by such citizen to the Government of the United States for previous transportation back to the United States.

Section 5 defines the passport and section 5(b) contains a new concept in our passport laws. This provision provides that a passport issued under this act is nontransferable and becomes the sole property of the citizen to whom issued, but is valid only for the period for which issued. This provision is significant in that it is a break from the philosophy presently contained in the regulations expressing the Federal Government personal property concept. The present concept in my opinion is misleading. The right to travel belongs to the individual citizens subject, of course, to certain limitations as hereinbefore recited, but basically this right belongs to the citizen. A passport is an essential aid to travel abroad. In my opinion, the emphasis must be placed on the individual's right to exercise this freedom of locomotion. It is therefore a matter of emphasis. This new emphasis is based on what can we do at the Federal level to facilitate the individual's right to travel, rather than vesting a personal property interest in the individual citizen's passport in the Federal Government. This is important from the point of view of policy. The emphasis changes from the concept of a privilege granted by our Government to the free exercise of a constitutional right by the citizen.

My bill makes further provision for the issuance of regulation by the Secretary of State and significantly it provides for the establishment of "the United States Passport Service." Our present passport office, in my opinion, is doing an outstanding job. The United States Passport Service is established under this act as a service to the American citizen to facilitate the citizen's travel abroad and in aiding him to communicate with all people throughout the world.

There has been a great deal of discussion in the recent past relating to certain area restrictions imposed by the Secretary of State. Section 16 of my bill provides for restrictions of travel to, first, places where armed hostilities are in progress; second, countries with which the United States is at war, and third, countries to which the President finds that travel should be restricted in the national interest. It is important, however, that certain exceptions be provided for and subsection (b) of section 16 provides that the Secretary of State may make exceptions to general travel restrictions for individuals and for classes of persons including the classes of professional newsgatherers, missionaries, and doctors on medical missions.

Before general travel restrictions can be imposed, however, section 17 of my bill provides that travel abroad of any citizen shall not be restrained and passports shall not be limited in validity with respect to any place unless the President has made an appropriate declaration under subsection (a) of section 16. In each such case, the President shall report the reasons for such declaration to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate and such declaration shall be effective for a period of not more than 1 year unless such time is extended by law.

In accordance with the provisions of my bill, certain serious limitations are placed on the citizen's constitutional right to travel. When a determination has been made that a passport should not be issued to a citizen it is absolutely essential that the Congress make cer-

tain that the review procedures provided will accord procedural due process to the passport applicant. In accordance with this belief, section 18(a) of my bill provides for the establishment of a Passport Review Board within the State Department consisting of five officers of the Department to be designated by the Secretary of State. Further provision is made that no person shall be eligible to serve on such Passport Review Board in any case under this section in which he shall have participated in investigative functions or in which he shall have participated in the original refusal to issue, renew, or extend such passport or in the original action of withdrawal, cancellation, revocation, limitation, or restriction of such passport.

The Passport Review Board shall establish its own rules of procedure which must be approved by the Secretary of State. Subsection (b) of section 18 requires that the rules accord the applicant or passport holder the right to appear personally, to be represented by counsel and to offer oral or documentary evidence. Applicant or passport holder must receive a copy of the transcript proceedings and be permitted to cross-examine all of the witnesses against him and examine all other evidence which is made a part of the open record in the case. In accordance with the overall policy, the Board must insure, consistent with national security, that all evidence and witnesses relied upon are produced and made a part of the open record.

In the event of an adverse ruling by the Review Board, provision is made that the U.S. District Court for the District of Columbia shall have jurisdiction to hear and determine any appeal from a final decision of the Passport Review Board.

Mr. Speaker, these are the primary provisions contained in my bill. H.R. 5455, nominally called the Passport Act of 1959. In our society truth can be found in the full expression and enjoyment of the freedom of the individual. Free and unfettered travel will help the individual in his quest for truth. It should be the Government's position to encourage all of its citizens who are able to leave its borders and communicate with their world citizens abroad. It is this dynamic peoples to peoples approach that cuts through the restrictions of protocol and brings about an understanding that cannot be achieved from the executive directives of both sides of the waters. The Passport Department can be a real boon to this great peoples to peoples movement. Its fundamental purpose is service to the American citizen. The Department was not established to restrict this right to travel. On the contrary, it was established to facilitate the right to travel. When we think in these terms, many of the artificial rules and regulations and limitations proffered by some of our colleagues fall away and lose their alleged significance. It is with this great hope in mind of facilitating this worldwide movement of peoples that I have this day introduced my bill, H.R. 5455.

AS URGENT AS THE MOSCOW THREAT

(Mr. SMITH of Mississippi asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SMITH of Mississippi. Mr. Speaker, it is obvious that part of our preparation for whatever might come in Berlin should be a strengthening of our NATO alliance. We cannot hope to meet the challenge of Berlin unless we are unified in our firm resistance to any step that would yield any part of the freedom of the people of West Berlin.

I hope that our Government is in the process of taking steps which will strengthen our military forces in being in Western Europe and providing reassurance to our European allies that we are fully willing to take whatever risk is necessary in the defense of Berlin.

Under unanimous consent, I include an article by Mr. Henry A. Kissinger from the New York Times of Sunday, March 8:

AS URGENT AS THE MOSCOW THREAT—THE IMMEDIATE TASK ARISING OUT OF THE BERLIN CRISIS IS TO STRENGTHEN THE UNITY OF NATO, FOR EUROPEAN DOUBTS OF AMERICAN DEPENDABILITY HAVE WEAKENED THE ALLIANCE

(By Henry A. Kissinger)

There can be little doubt that Western policy has reached a turning point. Soviet pressure, which began with Moscow's threat to turn over control of the routes to Berlin to its East German satellite, has placed into question some of the basic assumptions of Western policy. One of the most comforting of these has been that Western Europe was so vital to our security that the Soviet Union would not dare to menace it. Now that idea has been shattered and, in the process, a fundamental threat to the future of the Western alliance has arisen.

Strangely enough, in the debate about foreign policy in the United States, little attention has been paid to this challenge. The discussion has proceeded from the premise the western unity is a root fact of political life; that our basic problem is to develop flexibility and new approaches in our relations with the Soviet bloc.

A month's visit to Germany and France has convinced me that these assumptions are of very dubious validity. Conversations with political leaders of both government and opposition, editors of major newspapers, and representatives of the academic community, indicated that the Western alliance is in serious danger, partly because of confusion about our purposes. In the present situation strengthening the unity of the West is a task as urgent as Moscow's threat.

European criticism of the United States is not new, of course. What is new is that, for the first time, there exists grave doubt about our willingness to run risks on behalf of our allies, and even about our ability to understand what might constitute a threat. For purposes of immediate policy it is beside the point whether this attitude is justified; it is the psychological environment in which our actions will be interpreted and with which we must reckon.

The extent of the uneasiness in Germany and France about the future course of United States policy is striking. To take two examples: A French editor, to whom I remarked on what seemed to me the excessive suspiciousness of high officials, replied: "They think you are about to commit treason in a war that has already started." The moderate intellectual German weekly Die Zeit, which had been a frequent critic of the rigidity of Western policy in the past and an advocate of disengagement, carried a front-page headline: "How Soft Is the United States?"

Even if recent consultations have produced some agreement on immediate tactics, the underlying suspicion remains. These fears can be summed up in the following questions that are constantly being asked:

"Is the United States unwilling to run risks?"

Europe has suddenly awakened to the implications of our concept of massive retaliation. Until fairly recently, American strategic superiority was taken for granted as the chief deterrent to Soviet aggression. A greater European military effort was regarded as irrelevant or dangerous, because it might encourage the Soviets to believe that an attack on Europe might evoke only a limited, local response. As long as European security was thought to depend entirely on United States willingness to engage in all-out war, the European powers could rely on our nuclear capability without participating in it. They even could afford the luxury of criticizing us for alleged bellicosity.

With the Soviet's development of long-range missiles, the steady shrinking of the U.S. capability for limited war and the widely advertised "missile gap," confidence in American power and in our willingness to run risks has been gravely shaken. A high German official said in a television interview that 1959 was perhaps the last year in which the United States would risk war in defense of Berlin or even of Europe. Newspapers, officials, and opposition leaders in both Germany and France constantly raise the question: What objective in Europe would seem to the United States worth the destruction of Washington and New York? This fear has already produced the conviction (particularly in France) that, in order to be able to assure their security, the European powers must develop a nuclear arsenal of their own. A U.S. policy that our European allies interpret as irresolute will inevitably result in a redoubled effort to develop a local deterrent; in other words, in a vain and therefore demoralizing attempt to make the United States strategically dispensable. And the political corallary will be an increasing tendency to loosen Atlantic ties.

"Is a separate United States-Soviet agreement possible?"

Whatever the effect of the Mikoyan visit in the United States, it accomplished a major Soviet objective on the Continent: It gave strength to the argument that direct Soviet-United States negotiations, to the exclusion of Europe, were possible. European press reports painted a picture of eminent American businessmen abjectly seeking to prove to a commissar that they were "regular" fellows; of conservative circles eagerly welcoming his presence and seemingly desiring agreement on almost any terms. An official summed up the European attitude in the phrase: "How could you behave this way, at this particualr time?"

This bewilderment, in turn, has been exploited by the Soviet Union. Soviet diplomats continually suggest direct talks to both Germany and France to forestall a separate American-Soviet arrangement. In short, Moscow seeks to split the Western alliance by citing to us the rigidity of our European allies while warning them of our unreliability.

"Has Britain a special position in NATO?"

The continental powers, especially France, resent what they consider Britain's special status within NATO. Since they ascribe this status largely to Britain's possession of her own atomic deterrent, an additional incentive is created for them to divert resources to the creation of nuclear arms.

Our continental allies fear that matters vital to European interests are being settled by direct United States-British negotiations,